

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

TRACY EUGENE MCKEE,

Plaintiff,

v.

EUGENE STUBBLEFIELD,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No. 4:11-CV-1057 CAS

**MEMORANDUM AND ORDER**

Plaintiff, a prisoner, has filed a motion to stay this 42 U.S.C. § 1983 action while he proceeds to exhaust some of the claims brought in his complaint in the prison administrative process.

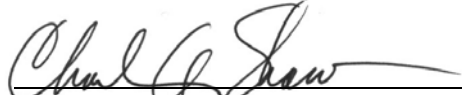
Title 42 U.S.C. § 1997e(a) states: “No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” The statute leaves no discretion for this Court to stay this action pending exhaustion of any of plaintiff’s claims. See Johnson v. Jones, 340 F.3d 624, 627-28 (8th Cir. 2003). All claims that were unexhausted at the time of the filing of the complaint must be dismissed. See Jones v. Bock, 549 U.S. 199, 220-21 (2007).

The Court notes that it has not yet reviewed this action under 28 U.S.C. § 1915(e)(2)(B) because plaintiff has not filed a certified copy of his prison account statement. By Order dated June 15, 2011, plaintiff was ordered to file a certified copy of his prison account statement within thirty days. The Order further stated this action will be dismissed without prejudice if plaintiff fails to comply.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to stay this action is **DENIED**. [Doc.

4]

  
\_\_\_\_\_  
**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 29th day of June, 2011.